

RECEIVED
CENTRAL FAX CENTER

APR 14 2009

PATENT
Attorney Docket No. 101.0044-04000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Confirmation No.: 5171
Gary Karlin Michelson)	
Serial No.: 09/805,001)	Group Art Unit: 3772
Filed: June 27, 2000)	Examiner: Michael A. Brown
For: APPARATUS AND METHOD OF)	
INSERTING SPINAL IMPLANTS)	

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REPLY TO EX PARTE QUAYLE OFFICE ACTION

Although not explicitly indicated in the *Ex Parte Quayle* Office Action, Applicant presumes that the Examiner is referring to the Claim Chart submitted in the present application on January 5, 2009. From a brief review of the prosecution history of the present application available through the Public PAIR system, Applicant notes that the Claim Chart submitted on January 5, 2009 (although scanned in two (2) separate entries) appears to be completely available. Although page 3 of the Claim Chart is repeated in the two (2) separate entries and is in one instance incomplete, a complete page 3 of the Claim Chart is available through the Public PAIR system. Nevertheless, Applicant is submitting herewith a copy of the Claim Chart submitted on January 5, 2009.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this reply, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including

Application No. 09/605,001
Reply Dated April 14, 2009
Reply to Office Action of April 1, 2009

any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 50-3726.

Respectfully submitted,
MARTIN & FERRARO, LLP

Dated: April 14, 2009

By: 

Thomas H. Martin
Registration No. 34,383

1557 Lake O'Pines Street, NE
Hartville, Ohio 44632
Telephone: (330) 877-0700
Facsimile: (330) 877-2030